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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,380	04/15/2005	Atsushi Tanaka	XA-10317	6523
181 7590 02/01/2007 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER HURLEY, KEVIN	
			ART UNIT	PAPER NUMBER
			3611	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/531,380

Applicant(s)

TANAKA ET AL.

Examiner

Kevin Hurley

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Morishita et al. 4,724,915.

Morishita et al. discloses an electric power steering apparatus including a rack shaft 6a formed with a first rack meshing with a first pinion connected to a steering shaft 2 and with a second rack 6b meshing with a second pinion 18 driven by a power assist mechanism;

said power assist mechanism comprises an electric motor 13 and power transmission means comprising a worm speed reduction mechanism 16 for transmitting a driving force of said electric motor to said second pinion, and said electric motor is disposed substantially in parallel with said rack shaft.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-151125.

JP 2001-151125 discloses an electric power steering apparatus including a rack shaft 2 formed with a first rack meshing with a first pinion connected to a steering shaft 6 and with a second rack 3 meshing with a second pinion 20 driven by a power assist mechanism;

said power assist mechanism comprises an electric motor 35 and power transmission means comprising a worm speed reduction mechanism 53 for transmitting a driving force of said electric motor to said second pinion, and said electric motor is disposed substantially in parallel with said rack shaft.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 61-268565.

JP 61-268565 discloses an electric power steering apparatus including a rack shaft 3 formed with a first rack meshing with a first pinion connected to a steering shaft 1 and with a second rack 3b meshing with a second pinion 1 driven by a power assist mechanism;

said power assist mechanism comprises an electric motor 5 and power transmission means comprising a worm speed reduction mechanism 15 for transmitting a driving force of said electric motor to said second pinion, and said electric motor is disposed substantially in parallel with said rack shaft.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 8-282508.

JP 8-282508 (see Fig. 4) discloses an electric power steering apparatus including a rack shaft 3 formed with a first rack meshing with a first pinion connected to a steering shaft 11 and with a second rack 17 meshing with a second pinion 5 driven by a power assist mechanism;


said power assist mechanism comprises an electric motor 7 and power transmission means comprising a worm speed reduction mechanism 21 for transmitting a driving force of said electric motor to said second pinion, and said electric motor is disposed substantially in parallel with said rack shaft.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Hurley whose telephone number is 571-272-6646. The examiner can normally be reached on Monday-Friday 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kevin Hurley  
Primary Examiner  
Art Unit 3611

January 30, 2007